

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**August 24, 1999**

**IN RE:**

**PETITION OF LCI INTERNATIONAL TELECOM  
CORPORATION d/b/a/ QWEST COMMUNICATIONS  
SERVICES FOR APPROVAL OF AN ORDER  
APPROVING THE INTRALATA TOLL DIALING  
PARITY IMPLEMENTATION PLAN**

**DOCKET NO. 99-00429**

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**ORDER APPROVING THE INTRALATA TOLL DIALING PARITY  
IMPLEMENTATION PLAN**

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This matter came before the Tennessee Regulatory Authority (the "Authority") on July 13, 1999, at a regularly scheduled Authority Conference, to consider the Petition of LCI International Telecom Corporation d/b/a Qwest Communications Services ("Qwest") for approval of an IntraLATA Toll Dialing Parity Implementation Plan ("the Plan").

Section 251(b) of the Telecommunications Act of 1996 ("the Act") requires all Local Exchange Carriers to provide dialing parity.<sup>1</sup> Specifically, section 251 (b)(3) of the Act states, "Dialing Parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." The Act further states in sections 51(f)(1) and 251(f)(2) that a rural telephone company may file with the state commission for exemption,

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<sup>1</sup> Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 47 U.S.C. §§151 *et seq.*

**FILE**

suspension or modification of the dialing parity requirements.

The Federal Communications Commission ("FCC") initiated a rulemaking on dialing parity on April 19, 1996 and issued its findings in FCC 96-333 Order (Docket 96-98) adopted on August 8, 1996. This Order sets forth the criteria and guidelines for filing of a plan by all carriers. Subsequent to this Order the United States Court of Appeals for the Eighth Circuit vacated the FCC's rules, as they were applicable to intrastate services.<sup>2</sup> On January 25, 1999, the United States Supreme Court reversed certain portions of the Eighth Circuit's decision including that part of the decision which had stricken the FCC's rules pertaining to dialing parity.<sup>3</sup>

The FCC's original date for implementation, February 8, 1999, was reinstated by the Supreme Court's decision of January 25, 1999. As a result of this reinstatement, the FCC released FCC 99-54 Order (Docket 96-98) on March 23, 1999, which set forth revised implementation dates for dialing parity. This Order establishes April 22, 1999 as the new date by which all Local Exchange Carriers must file an IntraLATA Toll Dialing Parity Plan with State Commissions for approval. The Plan must be implemented within thirty (30) days after approval from the State Commission. Additionally, the Order states that the Plan must be filed with the Common Carrier Bureau of the FCC if the State Commission has not acted on the Plan by June 22, 1999.

Qwest is a telecommunications company operating under Tenn. Code Ann. § 65-4-201 as a competitive local exchange carrier that provides telecommunications services in Tennessee. Pursuant to 47 C.F.R. § 51.213, Qwest is required to file a plan with the Authority that provides for implementing intraLATA toll dialing parity in the exchanges in Tennessee where service is

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<sup>2</sup> FCC v. Iowa Utils. Bd., United States Court of Appeals for the Eighth Circuit, July 18, 1997.

<sup>3</sup> AT&T v. Iowa Utils. Bd., 119 S.Ct. 721 (1999).

provided.<sup>4</sup> This plan must allow customers to pre-subscribe to different carriers for local service, intraLATA toll service and interLATA toll service.<sup>5</sup>

Qwest filed an intraLATA toll dialing plan on May 28, 1999 with a final amendment on June 23, 1999. The Plan as amended, attached hereto as Exhibit A, is fully incorporated herein by this reference.

The Directors considered this plan at the July 13, 1999 Authority Conference and determined that the Plan, as amended, satisfies the requirements set forth by the FCC in Docket 96-98, FCC Order 96-333 and FCC Order 99-54.<sup>6</sup> The Plan provides for a method that enables customers to select alternate providers of telephone toll service; a method that allows customers to choose different carriers for interLATA and intraLATA service; customer notification/education procedures; and anti-slamming procedures. The Directors unanimously voted to approve Qwest's intraLATA toll dialing parity implementation plan, as amended, with the requirement that the petitioners comply with all applicable sections of FCC Order 96-333 upon implementation of intraLATA equal access.

**IT IS THEREFORE ORDERED THAT:**

1. The amended Plan of LCI International Telecom Corporation d/b/a Qwest Communications Services for IntraLATA Toll Dialing Parity Implementation, a copy of which is

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<sup>4</sup> Under 47 C.F.R. §51.213, the Federal Communication Commission requires that an IntraLATA toll dialing parity plan contain: (1) a proposal that explains how the local exchange carrier will offer intraLATA toll dialing parity for each exchange that such carrier operates in the state, in accordance with the provisions of this section, and a proposed time schedule for implementation; and (2) a proposal for timely notification to its subscribers and the methods it proposes to use to enable each subscriber to affirmatively select an intraLATA toll service provider. The state commission must approve any such plan prior to implementation.

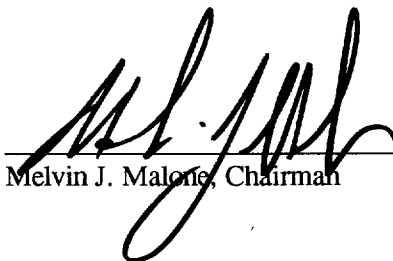
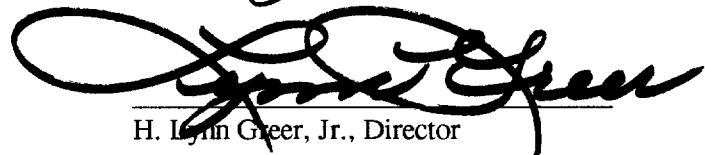
<sup>5</sup> Pre-subscription allows the customer to place a call without dialing an access code.

<sup>6</sup> FCC Order 96-333, released August 8, 1996, sets forth the requirements for implementation of IntraLATA Toll Dialing Parity. FCC Order 99-54, released March 23, 1999, extends to June 22, 1999 the deadline for state commissions to act on a LEC's IntraLATA Toll Dialing Parity Plan.


attached as Exhibit A, is hereby approved and incorporated in this Order as if fully rewritten herein;

2. LCI International Telecom Corporation d/b/a Qwest Communications Services shall comply with all applicable sections of FCC Order 96-333 upon implementing IntraLATA equal access; and

3. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.

  
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Melvin J. Malone, Chairman  
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H. Lynn Greer, Jr., Director  
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Sara Kyle, Director

ATTEST:

  
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K. David Waddell, Executive Secretary

INTRALATA TOLL DIALING  
PARITY PLAN

TENNESSEE

REC'D TN  
REGULATORY AUTH.

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OFFICE OF THE  
EXECUTIVE SECRETARY

LCI International Telecom Corp. (d/b/a Qwest  
Communications Services)

June, 1999

## **I. PURPOSE**

The intent of this Plan is to provide a proposal that, upon implementation, would provide customers the ability to select the telecommunications carrier of their choice for routing of their intraLATA toll calls.

## **II. GEOGRAPHIC AVAILABILITY**

IntraLATA presubscription (ILP) is available in all LATAs where the Company provides its local resold services within Tennessee. Specifically, since LCI resells the underlying local exchange services of Bell South in Tennessee, it will be providing ILP in all Bell South exchanges.

## **III. IMPLEMENTATION SCHEDULE**

ILP is immediately available in all areas currently served by LCI, or no later than 30 days following approval of the plan by the Commission or July 22, 1999 whichever is sooner.

## **IV CARRIER SELECTION PROCEDURES**

LCI will implement the full 2-PIC carrier selection methodology (or the methodology that the underlying carrier LCI resells has implemented). LCI provides its local exchange services on a resold basis using the underlying facilities of local exchange carriers. As such, LCI must submit all interexchange carrier ("IXC") requests and customer (i.e. end user) requests for ILP to the underlying local exchange carrier for implementation. With the full 2-PIC methodology, customers will be able to presubscribe to one telecommunications carrier for interLATA toll calls and presubscribe to the same or different participating telecommunications carrier, including LCI, for all intraLATA calls.

Accordingly, existing customers may either contact LCI business offices directly to request a change in their ILP carrier, or they may contact their IXC of choice directly, who in turn will contact LCI. Upon receipt of the ILP request, LCI will forward that request to the underlying carrier for processing.

LCI is no longer marketing its resold local exchange services and thus does not anticipate accepting any new resold local exchange customers. However, should a new customer switch to LCI's resold local exchange services, LCI will notify that customer when they sign up that they have the option to select their ILP carrier. New customers who make no PIC will be considered a "no-PIC" and will be required to dial an access code to make intraLATA call. Existing LCI customers who do not choose their ILP carrier will remain with their existing ILP provider until an affirmative selection is made by the customer.

Customers will be notified that they have a 90-day grace period to make a free intraLATA presubscription selection. New customers or existing customers adding new lines will have 30 days to make a free intraLATA presubscription selection. There will

not be a \$5.00 per line charge for initial PIC selections made within the applicable day grace periods.

LCI will comply with the FCC and Commission rules regarding PIC freeze removal. LCI will also comply with Rule 1220-4-2-.56 regarding verification orders for changes by local and long distance telecommunications carriers and 1220-4-2-.58 regarding billing requirements for charges on consumers telephone bills. LCI will not impose carrier-to-carrier penalties for unauthorized intraLATA toll provider changes. In addition, LCI will accept three way calls to remove PIC freezes.

Further, LCI will comply with all rules of the FCC and the Tennessee Regulatory Authority.

## **V. CUSTOMER EDUCATION/NOTIFICATION**

LCI will notify its existing customer base via a bill message and/or bill insert of their ability to choose an ILP carrier with instruction to contact either the IXC directly or the LCI business offices upon approval of this plan by the Commission. Should LCI obtain any new customers, they will be provided this information at the time they sign up for services. As noted in IV. above, customers will be notified of the applicability of all PIC change charges.

## **VI. CARRIER NOTIFICATION**

IXC's will be notified via letter that they must contact LCI directly if an end user using LCI resold local services wishes to change to that IXC. LCI will obtain a list of current IXCs from the Commission for mailing to all currently certificated IXCs.

## **VII. ACCESS TO OPERATOR SERVICES AND DIRECTORY ASSISTANCE**

Access to operator services and directory assistance will be available through the customer's local carrier (LCI), its interLATA carrier or intraLATA carrier. LCI will provide non-discriminatory access to telephone numbers (if applicable), directory assistance (if applicable) and directory listings (if applicable). LCI provides local exchange on a resale basis and is reliant on the underlying carrier for the provision of the services. LCI does not maintain its own telephone number database.

For operator services, customers dial "0" to reach their (in this case the underlying local exchange carrier since LCI is reselling the service) local exchange operator and "00" to reach their interLATA operator. For Directory Assistance, customers dial "411" for access local directory assistance or 1 NPA 555 1212 to reach their interLATA carrier for directory assistance.

## **VIII. COST RECOVERY**

LCI will not seek any cost recovery for implementation of ILP as it is providing services as a reseller and thus relies on the underlying facilities-based carrier for implementing changes in ILP providers which LCI submits to the underlying carrier. Accordingly, LCI is not filing a plan for cost recovery.